

1926

## SALARIES OF STATE OFFICERS

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ent taxes this means, during the next twelve years, about \$500,000,000 in taxes.

2. It proposes no plan for the completion of our state highway system.

3. It gives no assurance that trunk highways, interstate connections, the Bay Shore highway or county seat laterals will ever be completed.

4. It completely junks the recommendations of the Highway Committee of Nine for future financing of state highways.

5. It fails to keep pledges repeatedly made to the people of California who voted for bond issues that bond issue roads should receive first benefit from additional construction funds.

6. It creates a political grab-bag for the benefit of politicians.

7. It imposes on automobile owners the cost of constructing state highways as well as maintaining them. This is contrary to the principal laid down in the state constitution that the expenses of the state should be paid through taxes on the gross receipts of corporations. We do not charge the cost of building our state universities to the students who attend them, nor the cost of constructing armories to the members of the state militia, nor the cost of building asylums and hospitals to the persons who use them. Why should we single out the automobile user and make him pay for the cost of constructing state highways when the real estate speculator, the billboard owner and others benefit without taxation?

8. It presents no solution of the problem of financing the improvement of streets in cities and towns. The greatest use of automobiles today is on city and town streets, yet this measure does nothing for either the

construction or maintenance of such streets nor for the relief of property owners who pay assessments to build and maintain such streets.

9. It means that working men and poorer citizens who travel on city and town streets and county roads will pay the bulk of the tax and get practically no benefit. More than two-thirds of the automobiles registered in California cost their present owners less than \$1,000. More than two-thirds of the mileage traveled in the state is in these machines. They will pay the bulk of this proposed tax.

10. It means that motorists will pay a higher percentage of tax than is paid on any other business or property.

11. It increases the cost of transportation from farm to city and from city to farm, thus increasing the cost of living.

12. It can not be repealed by the legislature for twelve years.

13. No other class of personal property is taxed so heavily as the motor vehicle. To create a new tax on it is to add to the present registration and weight fees, 4 per cent gross receipts tax on common carrier vehicles, federal excise tax, city and county personal property taxes and the present 2-cent gasoline tax for highway maintenance.

Low cost transportation is necessary to continue the prosperity of the State of California. The proposed new tax should be defeated.

VOTE NO!

HARRY A. CHAMBERLIN,

State Senator, Thirty-first District.

J. J. DEUEL,

Manager Law and Utilities Department,  
California Farm Bureau Federation.

#### **SALARIES OF STATE OFFICERS.** Senate Constitutional Amendment

23. Amends Section 19 of Article V of Constitution. Declares compensation of Secretary of State, Controller, Treasurer, and Surveyor

General, shall be seven thousand dollars each per year, Attorney General and Superintendent of Public Instruction eight thousand dollars each per year; such compensation to be in full for all official services during their respective terms of office; provides that the Legislature may diminish such compensation but can not increase the same.

YES

NO

(For full text of Measure see page 11, Part II.)

#### **Argument in Favor of Senate Constitutional Amendment No. 23.**

This amendment leaves the salaries of the Governor and Lieutenant Governor at the present figure, but proposes to raise the salary of the Secretary of State, State Controller, State Treasurer and State Surveyor General from \$5,000 to \$7,000 per year. It would also increase the salary of the Superintendent of Public Instruction from \$5,000 to \$8,000 a year and of the State Attorney General from \$6,000 to \$8,000.

The state officials are now receiving less salary than many of the county officials in

some of the larger counties of the state. A salary of \$5,000 a year for a state official is totally inadequate for the duties performed and for the immense responsibility assumed. In justice the increase should be much more than that proposed in this amendment. The state controller handles millions of dollars and assumes grave responsibilities. If he were doing the same work for a private corporation he would undoubtedly receive from three to four times the present salary of \$5,000 a year. The salary of the State Superintendent of Public Instruction is only \$5,000 and he appoints superintendents of normal schools who get as high as \$7,200 a year.

Many city school superintendents in this state are receiving from two to three times as much as does the state superintendent. The salary of the Attorney General at the present figure of \$6,000 a year is very low considering the work done by his office and the importance of his decisions. In the trial of the railroad rate cases the Attorney General performed duties without extra compensation which if done by private attorneys would have warranted a fee of at least \$100,000. The Secretary of State has very important functions for which he should receive adequate compensation. The State Treasurer has the handling of millions of dollars of

state funds and his intelligent handling of that money means many thousands of dollars of income. The Surveyor General performs important functions which are not adequately paid for at the present time. The present salaries have been in the constitution for a great many years and the passage of this amendment will add only the amount of \$13,000 per year to the expense of the state.

DANIEL C. MURPHY,

State Senator, Twenty-fourth District.

E. P. SAMPLE,

State Senator, Fortieth District.

**RACING.** Initiative measure. Creates board, appointed by Governor, to regulate and license horse racing and Pari-Mutuel betting within race track enclosure; limits racing period at each track; prohibits licensing racing at tracks constructed, without board's approval, after November 1, 1926; limits licensee's return to nine per cent on capital invested; prescribes as license fees five hundred dollars each race day and licensee's net profits above return allowed; appropriates fees to board's salaries and expenses, dividing balance equally between Veterans' Welfare Board and State Agricultural Board; authorizes licenses for limited period at county fairs or agricultural exhibits.

YES

NO

(For full text of Measure see page 12, Part II.)

#### Argument in Favor of Racing Initiative Measure.

Initiative measure No. 6 was designed to restore horse racing under strict control by a racing commission and thus revive in California the industry of breeding standard and thoroughbred horses, for which this state was formerly world-renowned.

Many of those advocating the adoption of this measure were most active in the campaign to suppress the uncontrolled racing and wagering that prevailed in California some years ago, but who are convinced that within the limitations provided under this measure horse racing will be conducted in accordance with the desires of its most harsh critics under former uncontrolled methods and become a popular and beneficial form of entertainment through which to attract countless thousands of tourists to our state. This act positively limits all race tracks to 9 per cent profit annually on their investments, all surplus earnings to be distributed as follows:

One half to the State Board of Agriculture to assist state, district and county fairs throughout California and to promote agriculture and animal husbandry.

The other half to the Veterans' Welfare Board.

All racing will be conducted under absolute control of a racing board appointed by the Governor. Permits pari-mutuel wagering under control of the racing board and within race track enclosures only. The pari-mutuel system safeguards the public. The bettors make their own odds and can not wager beyond their means. No credit is given as in bookmaking. No individual can wager more money than he carries in his pocket. Wagering upon horse races is legalized in all European countries and

in Canada, New Zealand, Australia and in several of our own states. Limits racing at all tracks to two race meetings annually and not in excess of twenty-five days at any meeting and at least ninety days between race meets. Tracks can not operate without license from racing board, and no new tracks will be licensed unless the racing board has authorized construction. All employees and officials at race tracks are subject to removal by racing board.

The framers of this measure are convinced that a majority of people desire to have horse racing conducted in California under strict state control with legalized wagering at the tracks only, rather than the present prohibitive laws against betting which are very generally violated and which only deprive them of the pleasure attendant upon horse racing.

We ask those who are prejudiced against legalized betting at horse races to ask themselves if it is an entirely fair attitude to take. The farmer gambles on the weather when he plants his crop and again upon the prices at harvest time. Everyone who buys or sells anything gambles on his judgment. Millions of dollars are won and lost on the stock exchange each day, but without that medium of legalized gambling many industries would not be adequately financed. All we ask is that those who desire to back their judgment on the results of a contest of speed and endurance between horses be permitted to do so legally.

Vote YES—Initiative 6 on ballot.

H. J. MACOMBER,

Chairman Northern California  
Executive Committee.

JOSEPH M. SCHENCK,

Chairman Southern California  
Executive Committee.

[Nine]

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## PART II

### Appendix

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considered for any purpose by the state controller, the treasurer or the State of California.

Sec. 12. The state board of equalization shall have the power and it is hereby authorized to make any and all such examinations of the records of distributors as it may deem necessary in carrying out the provisions of this act. The cost if any of such examination to be payable from the regular appropriation for clerical assistance of said board.

Sec. 13. All moneys received by the state controller in payment of license taxes under the provisions of this act shall be by him deposited in the state treasury and credited to the "motor vehicle fuel fund," which fund is hereby created. One-half of all moneys remaining in said "motor vehicle fuel fund" after the refunds herein provided for have been paid shall be paid therefrom to the counties of the state as hereinafter provided in the proportion which the number of vehicles registered in each of said counties bears to the total number of such vehicles registered in the state as determined by the places of residence of the owners to whom the registration certificates for such vehicles have been issued by the state during the current year, and it is hereby made the duty of the motor vehicle department to furnish to the state controller a record of the number of such registrations by counties. All such amounts so paid to the several counties shall be paid into a special road improvement fund. Such fund shall be expended by the county receiving it exclusively in the construction and maintenance of roads, bridges and culverts in each county. In the event that any county has not established such a road fund, its proportion of such fund shall be retained by the state until provision for such a road fund has been made, and it shall then be paid over to such county.

In the months of May and November of each year, the treasurer shall make a report to the state controller setting forth the gross amounts received and the net receipts remaining after the payment of the refunds herein provided for for the preceding six months, and thereupon the controller shall draw his warrant upon the "motor vehicle fuel fund" in favor of each county in the state for the amount to which each such county is entitled. The controller shall not draw such warrant in favor of any county which shall not have established such a road fund as is herein required or which shall be delinquent in its annual report to the state department of public works as hereinafter required.

The board of supervisors of each county shall make an annual report to the state department of public works not later than three months after the close of the county's fiscal year upon forms to be provided by such department, showing the amount of moneys received from the "motor vehicle fuel fund" during the preceding fiscal year and the disposition of said moneys,

giving such details as to the disposition of said moneys as may be required by said department. Whenever such report shall not have been duly filed in the manner and form herein provided for at or before the time herein specified, the state controller shall not draw his warrant in favor of the treasurer of such county until said report has been filed.

All moneys in the "motor vehicle fuel fund" other than those hereinbefore appropriated, are hereby appropriated to and shall by the state treasurer be paid into the "state highway maintenance fund," which fund is hereby created, and shall be used for the maintenance, repair, widening, resurfacing and reconstruction of the state highways, and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such moneys to be drawn from the state highway maintenance fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants drawn by the state controller upon demands made by the state highway commission and allowed and audited by the state board of control.

Sec. 14. Any person, firm, association or corporation or any officer or agent thereof violating any of the provisions of this act, or unlawfully making any false statement, or concealing any material fact in, any record, report, affidavit or claim provided for herein, shall be guilty of a misdemeanor, unless such act is by any other law of this state declared to be a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

The state board of equalization shall have power to revoke the license of any distributor refusing or neglecting to comply with the provisions of this act.

Sec. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 16. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 17. This act shall go into effect upon the thirtieth day of September, one thousand nine hundred twenty-three, provided there shall have been theretofore enacted that certain act to be known and cited as the "California vehicle act" introduced in the forty-fifth session of the legislature as Senate Bill No. 743.

#### SALARIES OF STATE OFFICERS. Senate Constitutional Amendment

23. Amends Section 19 of Article V of Constitution. Declares compensation of Secretary of State, Controller, Treasurer, and Surveyor General, shall be seven thousand dollars each per year, Attorney General and Superintendent of Public Instruction eight thousand dollars each per year; such compensation to be in full for all official services during their respective terms of office; provides that the Legislature may diminish such compensation but can not increase the same.

YES

NO

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section nineteen of article five thereof, relating to the compensation of executive officers.

Resolved by the senate, the assembly concurring, That the legislature of the State of California

at its forty-sixth regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section nineteen of article five of the constitution be amended to read as follows:

# PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Sec. 19. The governor, lieutenant governor, secretary of state, controller, treasurer, attorney general, surveyor general and superintendent of public instruction shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; lieutenant governor, four thousand dollars per annum, the secretary of state, controller, treasurer, and surveyor general, seven thousand dollars each per annum, the attorney general and the superintendent of public instruction, eight thousand dollars each per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; provided, however, that the legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this constitution. The legislature may, in its discretion, abolish the office of surveyor general; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

# EXISTING PROVISIONS:

(Provisions proposed to be repealed are printed in italics.)

Sec. 19. The governor, lieutenant governor, secretary of state, controller, treasurer, attorney general and surveyor general shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; lieutenant governor, four thousand dollars, the secretary of state, controller, treasurer, and surveyor general, *five* thousand dollars each per annum, and the attorney general, *six* thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; provided, however, that the legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this constitution. *No salary shall be authorized by law for clerical service in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed.* The legislature may, in its discretion, abolish the office of surveyor general; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

**RACING.** Initiative measure. Creates board, appointed by Governor, to regulate and license horse racing and Pari-Mutuel betting within race track enclosure; limits racing period at each track; prohibits licensing racing at tracks constructed, without board's approval, after November 1, 1926; limits licensee's return to nine per cent on capital invested; prescribes as license fees five hundred dollars each race day and licensee's net profits above return allowed; appropriates fees to board's salaries and expenses, dividing balance equally between Veterans' Welfare Board and State Agricultural Board; authorizes licenses for limited period at county fairs or agricultural exhibits.

YES

NO

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

## PROPOSED LAW.

The people of the State of California do enact as follows:

Section 1. There is hereby created and established the California racing board, which shall be vested with the powers and charged with the duties in this act specified and also the powers necessary or proper to enable it to carry out fully and effectually all the purposes of this act. The jurisdiction, supervision, powers and duties of said California racing board shall extend to any and every person or persons, association or corporation that shall hereafter hold or conduct any meeting within the State of California whereat horse racing shall be conducted for any stake, purse, reward or otherwise.

Sec. 2. Said California racing board shall consist of three members, all of whom shall be appointed by the governor after this act shall have been in effect ninety days, and of whom two shall be members of the state board of agriculture and the other shall be appointed at large and designated by the governor to be the chairman of the California racing board. The governor, at the time of making the appointment of said three members, shall designate one of said members to serve for the term of two

years, one to serve for the term of three years, and one to serve for the term of four years.

The term of office of each member thereafter appointed shall be four years from the expiration of the preceding term. Vacancies in said board shall be filled by the governor for the unexpired term. Each member of said board shall be eligible for reappointment in the discretion of the governor.

The governor may remove any board member for inefficiency, neglect of duty, or misconduct in office, giving to him a copy of the charges against him and an opportunity of being heard. No person shall be eligible for appointment or shall hold the office of board member or be appointed by the board, or hold any office or position under the board, who holds any financial interest in racing within the State of California, or who accepts any pecuniary reward therefrom except as provided under this act.

Sec. 3. Before entering upon the discharge of the duties of his office, each member of the board shall take oath of office as provided in the Political Code, and shall give bond to the State of California, with personal or corporate surety approved by the governor in the penalty of fifty thousand dollars, with the condition that he will well and faithfully perform the duties appertaining to his office. Every such bond when duly executed and approved, shall be filed and recorded in the office of the secretary of state. The governor, whenever in his opinion the surety of any member of said board shall have become or is liable to become insufficient, shall require such member of said board forthwith to renew his bond. Any member of said board who shall fail to renew his bond within ten days after the same shall have been required by the governor,